



Patent No. : 10/829,645
Confirmation No. : 6976
Applicant : Gabriel Petta, et al.

Filed : April 22, 2004
Title : CASEMENT WINDOW
SYSTEM AND
COMPONENTS AND
HARDWARE THEREFOR

TC/A.U. : 3634
Examiner : Not yet assigned

Docket No. : 200195-9001-00

I, Karen J. Kline, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Karen J. Kline
9/28/04

Date of Signature

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR
SIGNATURE BY JOINT INVENTOR ON BEHALF OF NONSIGNING INVENTORS
WHO REFUSE TO SIGN (37 CFR 1.47(a))**

Sir:

I am an above named joint inventor and have signed the declaration on my own behalf and also sign the declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventors, particulars of whom are:

Madan Chandragiri Rangabasyam
22 Sparklett Crescent
Brampton, Ontario L6Z 1M8
CANADA

Ronald Fredrick Edger
24 Pembrook Street
Bolton, Ontario L7E 1L5
CANADA

Other Address for both:

1 Royal Gate Blvd.
Woodbridge, Ontario L4L 8Z7
CANADA

BEST AVAILABLE COPY

who are nonsigning inventors that refuse to sign.

Accompanying the declaration is:

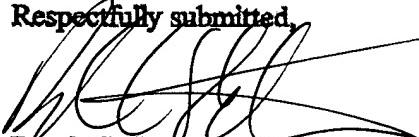
1. A Statement of Fact in Support of Filing on Behalf of Nonsigning Inventors
2. Petition by Joint Inventor Filing on Behalf of Other Joint Inventors who Refuse to Join in Application or Cannot Be Reached

Gabriel Petta


Signature

SEPT. 27/04

Respectfully submitted,


Derek C. Stettner
Reg. No. 37,945

Docket No.: 200195-9001-00
Michael Best & Friedrich LLP
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
(312) 222-0800

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Application No. : 10/829,645
Confirmation No. : 6976
Applicant : Gabriel Petta, et al.

Filed : April 22, 2004
Title : CASEMENT WINDOW
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HARDWARE THEREFOR

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION BY JOINT INVENTOR FILING ON BEHALF OF OTHER JOINT
INVENTORS WHO REFUSE TO JOIN IN APPLICATION (37 CFR 1.47(a))**

Sir:

I, a joint inventor of the above-identified application, sign below and petition to make this application on behalf of the non-signing joint inventors:

Madan Chandragiri Rangabasyam
22 Sparklett Crescent
Brampton, Ontario L6Z 1M8
CANADA

Ronald Fredrick Edger
24 Pembrook Street
Bolton, Ontario L7E 1L5
CANADA

who refuse to sign.

This petition is accompanied by proof of the pertinent facts and the last known address of the nonsigning inventors set forth in the accompanying:

I, Karen J. Kline, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Karen Kline
9/28/04

Date of Signature

1. A Statement of Facts in Support of Filing on Behalf of Nonsigning Inventors

Gabriel Petta

Signature

SEP. 27/04

A check in the amount of \$130.00 for the fee set forth in § 1.17(h), as required by 37 CFR § 1.47(a) is enclosed.

Charge or credit Deposit Account No. 50-1965 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

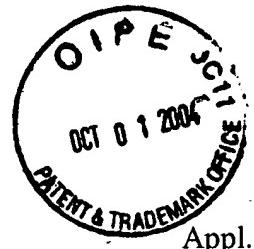
Respectfully submitted,


Derek C. Stettner
Reg. No. 37,945

Docket No.: 200195-9001-00
Michael Best & Friedrich LLP
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
(312) 222-0800

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B



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/829,645
Confirmation No. : 6976
Applicant : Gabriel Petta, et al.

Filed : April 22, 2004
Title : CASEMENT WINDOW
SYSTEM AND
COMPONENTS AND
HARDWARE THEREFOR

TC/A.U. : 3634
Examiner : Not yet assigned

Docket No. : 200195-9001-00

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Karen J. Kline

Signature

9/28/04

Date of Signature

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Statement is being filed in support of Applicant's Petition by Joint Inventor Filing on Behalf of Other Joint Inventors who Refuse to Join in Application (the "Petition").

On April 22, 2004, Applicant filed the above-referenced application and a Request for Interference Between Applications by an Applicant Pursuant to 37 C.F.R. § 1.604 (the "Request"). As noted in the Request, Applicant seeks an interference in order to demonstrate that it, rather than the applicants and assignee of U.S. Application No. 10/281,199 (the "Other Application"), is entitled to a patent directed to the subject matter of the counts. Alternatively, Applicant seeks an interference in order to demonstrate that Gabriel Petta is a coinventor of the

10/05/2004 HALI11 00000098 10829645

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subject matter of the counts and to file a motion to correct the inventorship of the Other Application.

On June 28, 2004, the Office issued a Notice to File Missing Parts of Non provisional Application directing the Applicant to obtain a declaration with the signatures of inventors Madan Chandragiri Rangabasyam and Ronald Fredrick Edger (the "Notice"). All of the named inventors in the above-referenced application are residents of Canada. Applicants' U.S. Counsel instructed Applicants' Canadian counsel, James Raakman of the law firm of Bereskin & Parr, to contact Ronald Edger and Madan Rangabasyam and request that they sign a declaration for the above-identified application. Copies of the correspondence sent by Mr. Raakman to Mr. Rangabasyam and to Mr. Edger are enclosed. The letter to Mr. Rangabasyam was sent to his address at 22 Sparklett Crescent, Brampton, Ontario L6Z 1M8. The letter to Mr. Edger was sent to his address at 24 Pembrook Street, Bolton, Ontario L7E 1L5. On August 19, 2004, Messrs. Rangabasyam and Edger responded to Mr. Raakman via facsimile in a joint letter. The joint letter indicates that "[i]n response to your request that we sign the 'Declaration' form, please be advised that, on advise from counsel, we are unable to comply for at least the following reasons: . . ." A copy of the August 19, 2004, joint letter from Messrs. Rangabasyam and Edger to Mr. Raakman is enclosed.

In light of the above, Applicant submits that it has made diligent effort to and did, in fact, contact the named co-inventors Messrs. Rangabasyam and Edger at their last known address and that said named co-inventors have, in fact, refused to join in the above application.

An application for patent made on behalf of the refusing co-inventors is necessary to preserve the rights of the parties. Specifically, action is necessary so that a patent naming the appropriate inventors is issued and, thereby, protected from claims by third parties that the patent

was obtain inappropriately and, thereby, deemed invalid. Action is also necessary so that Applicant can proceed with its request to invoke an interference and, thereby, be provided an opportunity to prove its assertions regarding entitlement to a patent and co-inventorship of the Other Application.

If action is not taken in this case, irreparable harm will result. First, Applicant will be denied an opportunity to prove its assertions regarding entitlement to a patent and co-inventorship. Second, the Other Application might be allowed to issue as a patent, inappropriately naming Messrs. Rangabasyam and Edger as the only co-inventors. Such a patent would be prejudicial to the public, as the public would be forced to avoid infringement of patent rights possessed by an entity that did not, if Applicant's assertions are proven true, rightfully obtain those rights.

In view of the above, Applicant's Petition should be granted.

Respectfully submitted,

Derek C. Stettner
Reg. No. 37,945

Enclosures: 1. August 10, 2004, letter to Mr. Rangabasyam with all enclosures.
 2. August 10, 2004, letter to Mr. Edger with partial enclosures.
 3. Affidavit of Service on Madan Rangabasyam.
 4. Affidavit of Service on Ronald Edger.
 5. Joint letter from Messrs. Rangabasyam and Edger.

Docket No.: 200195-9001-00
Michael Best & Friedrich LLP
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
(312) 222-0800
S:\client\200195\9001\A0919198.1

Bereskin & Parr

INTELLECTUAL PROPERTY LAW

August 10, 2004

James Raakman, B.Eng. & Mgmt.(Mech), LL.B.
416 957 1654 jraakman@bereskinparr.com

Our Reference: 3445-155



Mr. Madan Rangabasyam
22 Sparklett Crescent
Brampton, Ontario
L6Z 1M8

Dear Mr. Rangabasyam:

Re: United States Patent Application No. 10/829,645
Title: CASEMENT WINDOW SYSTEM AND COMPONENTS AND HARDWARE
THEREFORE
Filed: April 22, 2004
Inventors: Petta et al.

We act for Alpa Lumber Inc., owners of the above-identified patent application. The application lists you, Ronald Edger, and Gabriel Petta as joint inventors.

A copy of the application is enclosed for your review. You may note that the subject matter of the application is the same as that of Application No. 10/281,199, filed on behalf of Royal Group Technologies, Limited and listing you and Ronald Edger as joint inventors. Alpa's application includes the name of Gabriel Petta as a third joint inventors.

For Alpa's application, the U.S. Patent Office has now requested that an Inventor's Declaration be provided with signatures of all three joint inventors. Accordingly, this letter is to request you either execute and return the enclosed Inventor's Declaration, or alternatively, that you provide an indication of your refusal to sign the Declaration.

Please note that how you respond to this request may adversely affect your own interest or those of Royal Group Technologies. Our firm is protecting the interests of our client, Alpa Lumber Inc. You are encouraged to obtain independent legal counsel before responding. We have advised Mr. Frank Farfan of MacBeth & Johnson, counsel for Royal, that we would be contacting you, and have sent Mr. Farfan a copy of this letter.

Please send all correspondence to the Mississauga office:

2000 Argentia Rd., Plaza 4, Ste. 430,
Mississauga, Ontario, Canada L5N 1W1
Tel: 905.812.3600 Fax: 905.814.0031

Scotia Plaza, 40 King St. West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398

Waterloo Technology Campus, 408 Albert St., Ste. 2,
Waterloo, Ontario, Canada N2L 3V3
Tel: 519.783.3210 Fax: 519.783.3211

Should you choose to execute the Declaration, please sign and date the Declaration in the space provided underneath your typed name on page 2 of the Declaration. Please also provide your city/country of residence, citizenship, and full post office address, as indicated.

Should you choose not to execute the Declaration, please check the corresponding box on the enclosed return letter, and forward the letter to my attention.

In either case, a reply received on or before August 25, 2004 would be appreciated. You can fax your reply to me at 416-361-1398, or use the enclosed stamped, self-addressed envelope.

Yours truly,



James Raakman
/np
Encl.



To: James Raakman
Bereskin & Parr
Scotia Plaza, 40 King Street West
40th Floor
Toronto, Ontario M5H 3Y2

Re: U.S. Patent Application No. 10/829,645
Title: CASEMENT WINDOW SYSTEM AND COMPONENTS AND
HARDWARE THEREFORE
Filed: April 22, 2004
Inventors: Petta et al.

In response to your letter dated August 6, 2004, requesting that I sign an Inventor's Declaration with respect to the above-identified patent application, I, Madan Chandragiri Rangabasyam,

have signed the enclosed Declaration

refuse to sign the Declaration

Date: _____

Madan Chandragiri Rangabasyam



Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on Utility Patent CASEMENT WINDOW SYSTEM AND COMPONENTS AND HARDWARE THEREFOR (Attorney Docket No. 200195-0003-00), the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

As a named inventor, I hereby appoint the following registered practitioners associated with the customer number identified below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith; and request that the Office direct all communications in or pertaining to this application to:

Customer Number

1131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Gabriel Petta

Inventor's signature: _____ Date: _____
Residence: Canada
Citizenship: Canadian
Post Office Address: 334 Firglen Ridge
Woodbridge Ontario
Canada L4L 2Z5

Full name of second joint inventor: Madan Chandragiri Rangabasyam

Inventor's signature: _____ Date: _____
Residence: _____
Citizenship: _____
Post Office Address:

Full name of third joint inventor: Ronald Fredrick Edger

Inventor's signature: _____ Date: _____
Residence: _____
Citizenship: _____
Post Office Address:

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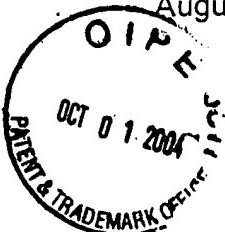
Bereskin & Parr

INTELLECTUAL PROPERTY LAW

August 10, 2004

James Raakman, B.Eng. & Mgmt.(Mech), LL.B.
416 957 1654 jraakman@bereskinparr.com

Our Reference: 3445-155



Mr. Ronald Edger
24 Pembrook Street
Bolton, Ontario
L7E 1L5

Dear Mr. Edger:

Re: United States Patent Application No. 10/829,645
Title: CASEMENT WINDOW SYSTEM AND COMPONENTS AND HARDWARE
THEREFORE
Filed: April 22, 2004
Inventors: Petta et al.

We act for Alpa Lumber Inc., owners of the above-identified patent application. The application lists you, Madan Rangabasyam, and Gabriel Petta as joint inventors.

A copy of the application is enclosed for your review. You may note that the subject matter of the application is the same as that of Application No. 10/281,199, filed on behalf of Royal Group Technologies, Limited and listing you and Madan Rangabasyam as joint inventors. Alpa's application includes the name of Gabriel Petta as a third joint inventor.

For Alpa's application, the U.S. Patent Office has now requested that an Inventor's Declaration be provided with signatures of all three joint inventors. Accordingly, this letter is to request you either execute and return the enclosed Inventor's Declaration, or alternatively, that you provide an indication of your refusal to sign the Declaration.

Please note that how you respond to this request may adversely affect your own interest or those of Royal Group Technologies. Our firm is protecting the interests of our client, Alpa Lumber Inc. You are encouraged to obtain independent legal counsel before responding. We have advised Mr. Frank Farfan of MacBeth & Johnson, counsel for Royal, that we would be contacting you, and have sent Mr. Farfan a copy of this letter.

Please send all correspondence to the Mississauga office:

2000 Argentia Rd., Plaza 4, Ste. 430,
Mississauga, Ontario, Canada L5N 1W1
Tel: 905.812.3600 Fax: 905.814.0031

Scotia Plaza, 40 King St. West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398

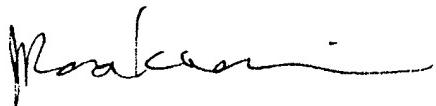
Waterloo Technology Campus, 408 Albert St., Ste. 2,
Waterloo, Ontario, Canada N2L 3V3
Tel: 519.783.3210 Fax: 519.783.3211

Should you choose to execute the Declaration, please sign and date the Declaration in the space provided underneath your typed name on page 2 of the Declaration. Please also provide your city/country of residence, citizenship, and full post office address, as indicated.

Should you choose not to execute the Declaration, please check the corresponding box on the enclosed return letter, and forward the letter to my attention.

In either case, a reply received on or before August 25, 2004 would be appreciated. You can fax your reply to me at 416-361-1398, or use the enclosed stamped, self-addressed envelope.

Yours truly,



James Raakman

/np

Encl.



To: James Raakman
Bereskin & Parr
Scotia Plaza, 40 King Street West
40th Floor
Toronto, Ontario M5H 3Y2

Re: U.S. Patent Application No. 10/829,645
Title: CASEMENT WINDOW SYSTEM AND COMPONENTS AND
HARDWARE THEREFORE
Filed: April 22, 2004
Inventors: Petta et al.

In response to your letter dated August 6, 2004, requesting that I sign an Inventor's Declaration with respect to the above-identified patent application, I, Ronald Fredrick Edger,

- have signed the enclosed Declaration
- refuse to sign the Declaration

Ronald Fredrick Edger

Date: _____

Affidavit of: Winston Parchment

Re: United States Patent Application No. 10/829,645



AFFIDAVIT OF SERVICE

I, Winston Parchment, City of Mississauga, Regional Municipality of Peel

MAKE OATH AND SAY AS FOLLOWS:

1. On, August 12, 2004 at approximately 2:37 p.m.

I Served Madan Rangabasyam

with a true copy of the Correspondence, Return Coverletter, Declaration of Power of Attorney, Copy of United States Patent App. No. 10/829,645, Stamped, Self addressed envelope

by leaving a copy with him personally

at 1 Royal Gate Blvd., Woodbridge ON L4L 8Z7.

2. I was able to identify the person by means of verbal identification to me that he was
Madan Rangabasyam.

3. To effect service, I necessarily travelled 195 km.

SWORN TO ME AT
THE CITY OF TORONTO
IN THE PROVINCE
OF ONTARIO

Friday, August 13, 2004

Winston Parchment

Winston Parchment

Adriano Filippelli
Commissioner, for taking Affidavits,
Adriano Filippelli, a Commissioner, etc.,
City of Toronto, for Reliance Legal Services Limited,
And for Process Serving Only.
Expires November 30, 2006.

Served by RELIANCE LEGAL SERVICES LIMITED
180 Dundas Street West, Suite 1508
Toronto, Ontario M5G 1Z8
416-971-7472 1-800-818-1128

Affidavit of: Winston Parchment

Re: *United States Patent Application No. 10/829,645*

AFFIDAVIT OF SERVICE

I, Winston Parchment, City of Mississauga, Regional Municipality of Peel

MAKE OATH AND SAY AS FOLLOWS:

1. *On, August 12, 2004 at approximately 2:38 p.m.*

I Served Ronald Edger

with a true copy of the Correspondence, Return Coverletter, Declaration of Power of Attorney, Copy of United States Patten App. No. 10/829,645, Stamped, Self addressed envelope

by leaving a copy with him personally

at 1 Royal Gate Blvd., Woodbridge ON L4L 8Z7.

2. *I was able to identify the person by means of verbal identification to me that he was Ronald Edger.*

3. *To effect service, I necessarily travelled 200 km.*

**SWORN TO ME AT
THE CITY OF TORONTO
IN THE PROVINCE
OF ONTARIO**

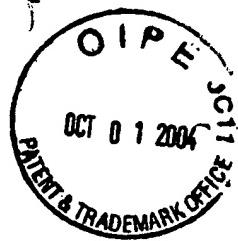
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Winston Parchment

Winston Parchment

Adriano Filippelli
Commissioner, for taking Affidavits,
Adriano Filippelli, a Commissioner, etc.,
City of Toronto, for Reliance Legal Services Limited,
And for Process Serving Only.
Expires November 30, 2006.

Served by RELIANCE LEGAL SERVICES LIMITED
180 Dundas Street West, Suite 1508
Toronto, Ontario M5G 1Z3
+16-971-7472 1-800-818-1128



BERESKIN & PARR
Barristers & Solicitors
40 King Street West
Scotia Plaza
40th Floor, Suite 4000
TORONTO, Ontario
CANADA M5H 3Y2

August 19, 2004

BY FACSIMILE
416-361-1398

Attention: Mr. James Raakman

Re: United States Patent Application No. 10/829,645
 Title: CASEMENT WINDOW SYSTEM AND COMPONENTS
 AND HARDWARE THEREFOR
 Filed: April 22, 2004
 Inventors: Petta et al

Dear Sirs:

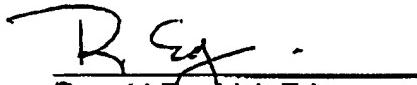
We, the undersigned, acknowledge receipt of your letters to us dated August 6, 2004, together with the materials enclosed therewith including a "Declaration and Power of Attorney For Patent Application" form, regarding the above-noted patent application apparently filed on behalf of your client ("Application").

In response to your request that we sign the "Declaration" form, please be advised that, on the advice of counsel, we are unable to comply for at least the following reasons:

1. to the best of our knowledge, the subject matter of the Application is barred because it was:
 - a. on sale in the United States and elsewhere, and,
 - b. disclosed in printed publications,
 more than 12 months before the apparent filing date of the Application, i.e. prior to April 22, 2003. It is also our understanding that your client and/or Mr. Gabriel Petta have knowledge of these facts, of which they will be obliged to inform the United States Patent and Trademark Office accordingly;
2. moreover, from our intimate knowledge of the factual situation, we are satisfied that Mr. Gabriel Petta was not a joint inventor of any patentable subject matter disclosed in the Application, and,
3. contrary to what is set out in the third paragraph of the "Declaration" form, the Application was not filed with our authority.

In view of the above, you and your client may wish to reconsider your position regarding the further pursuit of the Application.

Yours very truly,


Ronald Frederick Edger
24 Pembrook Street
Bolton, Ontario
L7E 1L5


Madan Rangabasym
22 Sparklett Crescent
Brampton, Ontario
L6Z 1M8

c.c. BERESKIN & PARR (by fax: 905-814-0031)

2000 Argentia Road
Plaza 4, Suite 430
Mississauga, Ontario
CANADA L5N 1W1

Attn: Mr. James Raakman

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